

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 6:13-CR-72
§
DAYTON LAMIRCIA WILLIAMS §

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 13, 2013, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Dayton Lamircia Williams. The government was represented by Frank Michael Ringer, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Jerome Kearney.

Defendant originally pled guilty to the offenses of Possession of Cocaine Base with Intent to Distribute, a Class A felony. This offense carried a statutory maximum imprisonment term of life. The United States Sentencing Guideline range, based on a total offense level of 34 and a criminal history category of VI, was 262 to 327 months. On November 24, 1993 U.S. District Judge Robin J. Cauthron of the Western District of Oklahoma sentenced Defendant to 262 months imprisonment followed by 5 years supervised release, subject to the standard conditions of release plus special conditions to include participating in a program of testing and treatment for drug abuse, as directed by the probation officer, until such time as Defendant was released from the program by the probation officer. On August 24, 2012, Dayton Lamircia Williams completed his period of imprisonment and began his term of supervised release.

On August 1, 2013 U.S. District Judge Robin J. Cauthron signed an order transferring jurisdiction from the Western District of Oklahoma to the Eastern District of Texas. On August

6, 2013, Chief U.S. District Judge Leonard Davis of the Eastern District of Texas accepted jurisdiction.

In its petition, the government alleges that Defendant violated his terms of supervised release on July 13, 2013 when he was given a citation for misdemeanor shoplifting by the Tyler Police Department; on August 1, 2013 when he pled “no contest” to that offense and was found guilty; and when he failed to report contact with law enforcement to his probation officer within 72 hours of the July 13, 2013 shoplifting offense.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by committing the offenses of evading arrest detention, failing to identify fugitive from justice, criminal trespass, shoplifting, and failing to notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervised release. U.S.S.G. § 7B1.3(a)(2). Considering Defendant’s criminal history category of VI, the Guideline imprisonment range for a Grade C violation is 8 to 14 months. U.S.S.G. § 7B1.4(a).

At the hearing, Defendant pled true to the allegations set forth above. The government recommended 14 months imprisonment.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Dayton Lamircia Williams be committed to the custody of the Bureau of Prisons for a term of imprisonment of 14 months, to run consecutively with the term of imprisonment imposed in Texas State Case No. 114-1278-13, with no supervised release to

follow. The Court further **RECOMMENDS** that the place of confinement be FCI Seagoville, Texas.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to Chief U.S. District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 16th day of December, 2013.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE